

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

IN RE: SHUBERT, MARK A

DEBTOR(S)

CASE NO. 3:17-bk-32823-SHB  
CHAPTER 7

NOTICE TO PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN THAT:

A hearing will be held on February 8, 2018 at 9:00 A.M., at the Bankruptcy Courtroom, 1-C, First Floor, Howard H. Baker, Jr., United States Courthouse, Knoxville, Tennessee, on the following:

APPLICATION TO EMPLOY MARK LANE AS  
REAL ESTATE AGENT *NUNC PRO TUNC*

**If you do not want the Court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the Court may decide that you do not oppose the relief sought and may enter an order granting that relief.**

APPLICATION TO EMPLOY MARK LANE  
AS REAL ESTATE AGENT *NUNC PRO TUNC*

The application of Ann Mostoller, Trustee herein, pursuant to E.D. Bankr. LBR 2014-1 and respectfully alleges:

1. The applicant is the duly qualified and acting Trustee in this estate.
2. This estate includes real property located at 524 Hwy 321 North, Lenoir City, TN, a vacant lot on Northside Dr., Lenoir City, TN, 12600 E. Lee Hwy, Lenoir City, TN and 13795 Virtue Road, Lenoir City, TN.
3. In order to liquidate the real estate for the benefit of the creditors, it will be necessary to sell it.

4. It appears to the Trustee that it is in the best interest of this estate that the real estate be sold by a licensed real estate agent.

5. Mark Lane, a licensed real estate agent, is associated with Coldwell Banker Wallace & Wallace, in Knoxville, Tennessee, and is willing to place the property on the market and attempt to sell it for a commission of six (6%) percent on the gross sales proceeds for 12600 E. Lee Hwy, Lenoir City, TN and 13795 Virtue Road, Lenoir City, TN. and commission of ten (10%) percent on the gross sales proceeds for 524 Hwy 321 North, Lenoir City, TN and a vacant lot on Northside Dr., Lenoir City, TN. If the real estate does not sell, there will be no charge to the estate.

6. The Trustee is informed and believes, and therefore alleges, that the granting of this application is in the best interest of this estate and accordingly that the Court should approve the employment as provided in 11 U.S.C. §327(a). The Trustee is informed and believes that the real estate agent is a disinterested person within the meaning of 11 U.S.C. §101(14), and accordingly, that it is appropriate to employ the real estate agent under the provisions of 11 U.S.C. §327(a).

7. The real estate agent is aware of the provisions of 11 U.S.C. §328 and has agreed, notwithstanding the terms and conditions of employment herein set forth, that the Court may allow compensation different from the compensation provided herein if such terms and conditions prove to have been improvident in light of developments unanticipated at the time of the fixing of such terms and conditions.

8. This notice is subject to the Court's shortening the time for such notice pursuant to BANKR. R. Pro. 2002(a)(2).

WHEREFORE, the Trustee prays that this application be granted and that your Trustee be authorized to employ Mark Lane of Coldwell Banker Wallace & Wallace, as real estate agent to market the real estate on the terms and conditions contained in this application *nunc pro tunc* to the date of filing.

DATED: January 22, 2018

/s/ Tracey Vought Williams  
Ann Mostoller, #001146  
Tracey Vought Williams, #032785  
Attorneys for Trustee  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2018, a true and exact copy of the foregoing Application to Employ and proposed order was filed electronically. Notice of this filing will be sent to the following parties as indicated below:

**Via Electronic/ECF Mail**

Tiffany Dilorio, Attorney for United States Trustee; ECF  
Wade M. Boswell, Attorney for Debtor(s); ECF  
Gail F. Wortley, on behalf of Cares, Etc. And Estate of James E. Hensley, Jr.; ECF  
Stanley F. Roden, on behalf of Harry Christopher Wampler; ECF  
Mary D. Miller, on behalf of Wanda S. Kirby, Darrell D. Kirby, Jackson R. Bowden, Faye W. Miller, and Bobby Miller; ECF  
Joshua R. Holden, on behalf of ORNL; ECF  
Gordon D. Foster, on behalf of Citizens Bank  
Jerrold D. Farinash, on behalf of Pam Aaron  
All parties indicated on the Court's electronic filing receipt

**Via US Regular Mail**

All parties indicated on the attached exhibit

/s/ Tracey Vought Williams  
Attorney